

M/003/025

BURLEY RANGER DISTRICT  
USDA - FS - Sawtooth National Forest

To: Lynn Kunzler  
Fax #: 801 359 3940  
Date: 1/11/96  
From: G. Struthers

SUBJECT Lynn Sp letter  
MESSAGE your copy  
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If you do not receive all of the pages, please call Gordon, at (208) 678-0430.

BURLEY RANGER DISTRICT  
ROUTE # 3, 3650 OVERLAND AVE.  
BURLEY, IDAHO 83318-3242

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United States  
Department of  
Agriculture

Forest  
Service

Sawtooth  
National  
Forest

Burley Ranger District  
Rt. 3, 3850 Overland Ave.  
Burley, Id. 83318-3242  
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File Code: 2810 Lynn Sp

Date: January 11, 1996

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William Bown  
Preston Bown  
Utah Building Stone Supply  
842 West 400 North  
Bountiful, Utah 84087

Dear Bill and Preston,

I am going to have to answer your December 14 letter by reviewing some past actions at Lynn Springs. In the spring of 1994 a new Plan of Operation (POO) was submitted by you to replace the Special Use Permit (SUP) that allowed you to remove stone from Lynn Springs quarry. You were operating at the Lynn Springs quarry under a SUP not a Notice of Intent (NOI) as stated in your letter of December 14. I had some questions I needed answered so that I could complete the Environmental Assessment (EA) and then approve a POO. This change from a SUP to a POO was both necessary and a benefit to you both in that Oakly Stone was no longer considered common variety stone and would be treated as claimable mineral materials under the Mining Regulations. We had a meeting here in Burly in early December of 1994 to discuss EA information needs and to incorporated points that Lynn Kunzler needed for the state of Utah. On March 1, 1995 I received from you some of information I needed to complete the EA that I started back in mid 1994. By the summer of 1995 several changes had happened to the Lynn Springs quarry that impacted the EA. Namely, the quarry had been expanded on to the BLM and the BLM/Forest Service boundary fence had been removed in the quarry area and not replaced until late summer of 1995. The missing fence did precipitate several irritate phone calls from the affected ranchers to this office. With your letter of December 14 I received another Lynn Springs quarry POO. This time on a Utah state form. My review of all copies of POO's indicate that they do not conflict with each other. I am enclosing a copy of each piece of information for you to review. I would not want to include something in the EA that was not correct or you could not live with in the approved POO. I would suggest that we get together after your review. In that meeting we could prepare a consolidated proposed POO from which I can complete the EA for public review and then approval.

What I told your Dad was that I had canceled the Lynn Springs Special Use Permit and you would not be receiving the \$100.00 Bill for Collection for that permit this year. Therefor stone could not be removed under the SUP after the end of 1995. I would hope that we can have a approved POO for Lynn Springs by this spring. The EA is just about complete and can be prepared in final form with little work. If for some reason you need to remove stone from the Lynn Springs quarry between now and when you are operating on an approved POO, we can sell you a Minerals Materials Permit.

I do not believe that we are testy about your lack of action at Lynn Springs as it is that we believe that your word has lost most of its creditability. Several times during 1994 and 1995 you told Dan Washington, Lynn Kunzler and/or me that you would reclaim a portion of the quarry to a maximum size of five acres. This did not happen, rather new areas in the quarry were opened. The lack of action with replacement of the BLM/Forest Service boundary fence is another case where there was a lack of creditability. You were told that the cows were going to be in the quarry starting on June 21. I was assured by your





Dad that the fence would be back in place before that date. It was late August before there was a complete fence on the site. That fence was so loose that it would not control the cows. After the cows had been removed from area on September 20 the fence was fixed to a minimum standard to control cattle. This was after I had made at least five visits with you or your Dad and was assured each time that the required fence work would be complete immediately.

I have informed you and your Dad on several occasions that the five acre limit is a Utah requirement for a "small" mining operation. The Forest Service requires the same environmental documentation and operating plans for all active mining/quarry operations. A NOI is used for exploration and development with minimal surface disturbance and road construction. My suggestion to you is figure the optimum size of the Lynn Springs quarry for your operation and then develop your proposed POO for that size quarry. The Forest Service requires the same information and operation plan no matter the size. Minimal surface disturbance is our controlling factor in using a lower level of permitting documentation.

I want to work with you and your Dad both at Lynn Springs and Dove Creek quarries. I believe that there is now a very special opportunity for northwest Utah with the development of the Oakley stone for international export. We all, government and private individuals, must do our best to see that this opportunity does succeed. I have laws, regulation, and policy, not made by me, that I do have to enforce. These laws, regulations, and policies were made to insure that all users of the National Forest have their interests and rights protected and one interest does not overly impact others.

Sincerely,

Gordon Struthers  
Minerals Management Specialist

cc: Lynn Kunzler

